

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
Tuesday, July 14, 2015**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, July 14, 2015 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Patrick G. Call, Chairman; Richard R. Searle, Member
Absent: Ann English, Vice-Chairman
Staff Jim Vlahovich, County Administrator; Britt W. Hanson, Chief Civil Deputy County Attorney; Arlethe
Present: G. Rios, Clerk of the Board

Chairman Call called the meeting to order at 10:00 a.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

PLEDGE OF ALLEGIANCE

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of June 23, 2015.
2. Approve an application for a temporary Extension of Premises liquor license submitted by Mr. Keith Wilson for American Legion #52 located at 12 Theater Drive, Sierra Vista, AZ 85635 on July 18, 2015, for the American Legion State Convention.
3. Approve a liquor license application for a series 16 (Wine Festival/Wine Fair) submitted by Mr. James Hill Graham for a Wine Festival to be held at Triangle T Guest Ranch, 4190 Dragoon Road, Dragoon, 85609 on July 25 and 26, 2015.
4. Approve a liquor license application for a series 16 (Wine Festival/Wine Fair) submitted by Mr. Scott Dahmer for a Wine Festival to be held at Triangle T Ranch located at 4190 Dragoon Road, Dragoon, 85609 on July 25 and 26, 2015.

Community Development

5. Approve the renewal of Contract No. IFB 11-44-HFP-04 for Concrete and Related Items with Klump Materials, Cemex, Willcox Rock & Sand and Maddux & Sons for the Community Development Highway and Floodplain Division in the not to exceed amount of \$100,000 for the period of July 1, 2015 through June 30, 2016.

County Sheriff

- 6. Approve Department of Justice (DOJ) Grant funding in the amount of \$25,189 for use in purchase of ten vehicle docking stations to be installed in Sheriff's office vehicles.

Finance

- 7. Approve demands and budget amendments for operating transfers.

Warrants Nos. 90445-90456, 90472-90650, 90659-90683, 90684-90722, 90738-90925 were issued in the amount of \$3,402,924.91.

Pursuant to A.R.S. §11-217(C), the published minutes shall include all demands and warrants approved by the Board in excess of one thousand dollars except that multiple demands and warrants from a single supplier or individual under one thousand dollars whose cumulative total exceeds one thousand dollars in a single reporting period shall also be published. The voided warrants are listed below:

<u>Fund</u>	<u>Vendor</u>	<u>Amount</u>
211	The Howard G. Buffett Foundation	455,720.31

Issued warrants are listed as an attachment at the end of the minutes. Approve demands and budget amendments for operating transfers.

Fleet Services

- 8. Approve the renewal of Contract No. IFB 12-22-HFM-04 for bulk fuel (unleaded and diesel) to Senergy Petroleum, LLC for the Fleet Services Department in the not to exceed amount of \$2,000,000 for the period of July 1, 2015 through June 30, 2016.

Health & Social Services

- 9. Approve the Intergovernmental Agreement (IGA) Amendment 6 between Arizona Department of Health Services and Cochise Health and Social Services for additional funding in the amount of \$47,331 for Ebola and Infectious Disease Preparedness and Response for the period of April 1, 2015 through August 30, 2016.

Information Technology

- 10. Adopt Resolution 15-15 adopting an Open Geospatial Data Policy for the benefit of the public.

Juvenile Probation

- 11. Adopt Resolution 15-16 to approve fiscal year 2015-16 Family Counseling Funding as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), Juvenile Justice Services Division (JJSD) in the amount of \$15,952 and the required \$3,066 matching funds as budgeted in the general fund budget submitted by Juvenile Court Services.
- 12. Approve a Proclamation declaring July 12 through July 18, 2015 as Probation, Parole and Community Supervision Week in Cochise County.

Supervisor Searle moved to approve Items 1-12 on the Consent Agenda. Chairman Call seconded the motion and it carried unanimously.

ACTION

Community Development

13. Approve Docket S-12-10, a tentative plat for Conservation Subdivision J-6 Ranch, Lots 1-42, Block 1 and Common Areas A, B and C Subdivision (herein known as J-6 Ranch Lots 1-42).

Ms. Jesse Drake, Planner II, Community Development, presented this item using a PowerPoint presentation.

She listed details on the background of the subdivision:

- This request is for approval of the Tentative Plat for a Conservation Subdivision, J-6 Ranch Subdivision Tentative Plat for Lots 1-42, Block 1 and Common Areas A, B and C, requiring 50% open space with no density bonus.
- At proposed final build-out J-6 Ranch will have 278 lots on 556 acres.
- This tentative plat is a 42 lot subdivision on 84.80 acres, with a proposed minimum lot size of two acres.
- This parcel (APN 124-01-013H) was re-zoned on October 25, 2011, from RU-4, one dwelling per four acres, to SR-87, Single-Household Residential, one dwelling per 87,000 square feet.
- The site is located approximately 3 miles south of Interstate 10 at the J-6/Mescal Interchange. Access is from J-6 Ranch Road.

She added:

- The subdivision has recorded Conditions, Covenances, and Restrictions (CC&R) and a recorded Sustainability Plan for water conservation measures for all phases of the subdivision.
- Access to the subdivision shall be via County-maintained J-6 Ranch Road, from Interstate 10 to the gated subdivision which will have private internal roads. The internal roads will be built to Cochise County standards.
- Drainage has been approved with Conditions.
- Each lot will have a building envelope with the remainder of the lot, except the driveway, to remain as a conservation easement.
- Each lot will have an individual sewage disposal system, with either conventional (septic tank and leach field) or an alternative system if required.
- A variance allowing a 44' pavement radius for the cul-de-sacs was granted by the County Engineer on June 4, 2014.
- Water is to be provided by Empirita Water Company and a determination of water adequacy from the Arizona Department of Water Resources (ADWR) was issued on March 27, 2007.
- On October 25, 2011 the Board of Supervisors granted the conditional re-zoning (Docket Z-11-06) of APN 124-01-013H from RU-4 Rural to SR-87. The proposed Tentative Plat meets all of the Conditions of the re-zoning except Condition 4: Prior to plat approval, the Applicant must provide either on-site or off-site multi-purpose (vehicular, pedestrian, equestrian, etc) legal access to federal lands. If access to the federal land is provided on-site, it will be reflected on all future subdivision plats; provided, however, if the Developer does provide legal access, but the U.S. Forest Service, Arizona Game and Fish, or some other agency or person, does not improve the access for vehicular use within two years after legal access has been provided, then the condition requiring legal access for vehicular use shall cease.

Supervisor Searle asked why condition #4 had not been met.

Ms. Drake said that external stakeholders as well as staff did not feel that the suggested offsite access met the requirements of Condition 4 of the rezoning and added that staff recommended denial of this request based on the Planning & Zoning Commission denying the plat on a 6-1 vote.

Chairman Call asked Mr. Hanson to give a brief history before the applicant spoke.

Mr. Hanson explained that in 2011 this subdivision was controversial because stakeholders wanted the

applicant to allow access to the forest land, whether it be onsite or offsite.

Chairman Call said that he thought this had been resolved and was not sure why this was back before the Board.

Mr. Hanson further explained that the Board did approve a condition that worked for all interested parties, which was to ensure the applicant granted access to the forest onsite or offsite; the main issue today is that the interested parties feel like the applicant's offsite access does not meet the conditions approved in 2011.

Supervisor Searle asked for the date of the meeting in 2011.

Ms. Drake said that the meeting had been held on June 10, 2011.

Chairman Call asked that the applicant give an update on the submitted plat.

Mr. Stephen Lenihan, representative for Bradbury Investments LLC, said that the applicant had decided to provide offsite access and clarified that in his interpretation of condition #4, access had to be provided to the forest, not specifically through the forest.

Chairman Call stated that a representative from the Arizona Game and Fish Department was present to present some issues with the applicant's proposal.

Mr. Matt Walton, Arizona Game & Fish Department, stated that the main concern of stakeholders in the area was that the applicant did not meet condition #4. He clarified that in the 2011 meeting everyone was under the same expectation that access would be provided onsite or offsite, but would connect to a forest road. The current proposal by the developer would lead to a roadless area and would only provide a parking area for hikers, not legal access to adjacent federal lands.

Chairman Call asked Mr. Hanson to clarify what the Board was considering today.

Mr. Hanson advised the Board that their responsibility today was not to come up with a solution, but rather to accept or deny the developer's proposal, not decide the exact details of the access in question including an alternate access route.

Chairman Call asked Mr. Lenihan if he was aware that the proposed access appeared to dead in a roadless area of the forest and did he believe it was good access.

Mr. Lenihan said that he was aware and added that his company did not set out to have the access go to a particular point in the forest, we set out to get access to the forest wherever we could.

Chairman Call stated that although not clarified in the wording for the conditions that had to be met, the Board's intention was to have access to forest roads and the proposal does not clearly meet those requirements.

Mr. Lenihan said that County staff had not been clear in the County's conditions and expectations in the written communication.

Mr. Hanson said that the staff had been clear in the meetings with the developer that the intention was to connect to roads in the forest.

Supervisor Searle asked Mr. Hanson if he had an opportunity to review the Public Ingress and Egress Easement provided by Mr. Lenihan and if he could comment on the validity of the document.

Mr. Hanson said he had not reviewed the document in detail since Mr. Lenihan had just provided it at this meeting, but just quickly reviewing it, he would say that he did not think this document met condition #4 as the intention of the Board was to have meaningful access to the forest lands that could be used by vehicles.

Supervisor Searle said that he disagreed with Mr. Hanson because he felt the wording in condition #4 was not specific enough and only refers to onsite/offsite access not a specific location.

Chairman Call stated that the concern was not the specific wording, but the intent of the Board.

Supervisor Searle agreed that the intent of the Board was to provide access to the forest, but noted that it was probably not the intent of the Board to be making the decision of where the access was. Chairman Call said that the intent was to have access to the forest through forest service roads and this proposal does not provide that.

Mr. Hanson noted that both Board members agreed that the intent of condition #4 was for the applicant to provide access so that the public could gain access to the forest.

Chairman Call asked Mr. Lenihan if he was willing to propose an alternative access route.

Mr. Lenihan clarified that he had met with Mr. Walton and discussed the proposal and noted that he did not see an alternative proposal.

Supervisor Searle moved to approve Docket S-12-10, a tentative plat for Conservation Subdivision J-6 Ranch, Lots 1-42, Block 1 and Common Areas A, B and C Subdivision (herein known as J-6 Ranch Lots 1-42). Chairman Call seconded the motion.

Chairman Call called for the vote and it failed 0-2-1 (English absent).

CALL TO THE PUBLIC

Chairman Call opened the call to the public.

No one chose to speak and Chairman Call closed the call to the public.

This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.

REPORT BY JAMES E. VLAHOVICH, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

Mr. Vlahovich stated that the approval of the tentative budget was set for Monday, July 20, 2015 and noted that there were some minor adjustments that he would discuss with the Board at that time.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Patrick Call

Chairman Call stated that he would be attending the Hereford Natural Resource Conservation District (NRCD) meeting, Southern Arizona Contractors (SACA) meeting, and the Cochise Community Foundation (CCF) meeting on Wednesday and the Mayor/Managers Luncheon in Willcox on Thursday.

Report by District 2 Supervisor, Ann English

Vice-Chairman English was absent.

Report by District 3 Supervisor, Richard Searle

Supervisor Searle said that he would also be attending the Mayor/Mangers Luncheon in Willcox on Thursday.

6.

Chairman Call adjourned the meeting at 11:00 a.m.

APPROVED:

Patrick G. Call, Chairman

ATTEST:

Arlethe G. Rios, Clerk of the Board